



Austin City Council MINUTES

For **JULY 14, 1983** **--** **12:45 P.M.**

Council Chambers, 301 West Second Street, Austin, Texas

City Council

Ron Mullen
Mayor

John Treviño, Jr.
Mayor Pro Tem

Council Members
Mark Rose
Roger Duncan
Sally Shipman
Mark E. Spaeth
Charles E. Urdy

Nicholas M. Meiszer
City Manager

Elden Aldridge
Acting City Clerk

Memorandum To:

Mayor Mullen called to order the Meeting of the Council scheduled for 12:45 p.m., noting the presence of all Councilmembers.

APPROVAL OF MINUTES

The Council, on Councilmember Duncan's motion, Mayor Mullen's second, approved the Minutes of the Meeting for May 5, 1983. (6-0 Vote, Mayor Pro Tem Treviño was out of the room.)

LA PETIT DAY CARE CENTER

Mr. Scott Roberts appeared before Council to discuss utility services for La Petit Day Care Center on Rutland Drive. He said he was speaking on behalf of Nash Phillips Copus and they have a tract of land on which they want to develop four LUE's. One portion of the land is with service and one portion of the land is without service.

Mayor Mullen requested a staff report concerning this next week.

DRAINAGE PROBLEMS IN BALCONES WOODS

Ms. Anne L. Saxer appeared before Council to discuss drainage problems in Section 3A, Balcones Woods. She said she was flooded in 1981 and had \$10,000.00 worth of damage. In 1982 she was again flooded and there was \$1500.00 worth of damage. She said Daryl Hart, who is an engineer, told her that on 22 acres there are only two inputs for water drainage.

Ms. Pat Dollar spoke to the same problem. She said she was flooded in 1981 because there are no storm drains in the area. She receives the run-off from developments and apartments and would like the City to appropriate funds for storm drains and inlets.

DRAINAGE PROBLEMS IN BALCONES WOODS - (Continued)

Corinne Billings said her home was flooded also in 1981 and would like to have something done about the drainage problems in the area.

Mr. John German, Assistant City Manager, told the women the needed drainage inlets have been identified but the money has not been appropriated. There is \$200,000.00 available for \$600,000.00 worth of work.

UTILITY COLLECTION & SERVICE OFFICE

Mr. Norman Jenkins appeared before Council to discuss the Utility Collection and Service Office and offer his ideas of remedies to problems incurred.

ITEMS PULLED FROM AGENDA

During the consent motion concerning resolutions, Council pulled the following items from the agenda to be considered at a future meeting:

1. Consider an ordinance amending the following 1982-83 Fund Ending Balance for a total amount of \$1,666,540 to meet employee health insurance requirements: General Fund \$849,935; Electric \$183,320; Water and Wastewater \$133,323; Hospital \$349,973; All other funds \$149,989. (To be considered August 4, 1983.)
2. Consider an ordinance increasing employee dependent contributions for health insurance requirements in the amount of \$264,960.00. (To be considered August 4, 1983.)
3. Consider reallocating \$202,393 of 6th Entitlement Community Development Block Grant Funds to Acquisition Rehabilitation Project; and authorizing purchase of University-owned structures from University of Texas. (To be considered July 21, 1983.)

CONSENT ORDINANCES

The Council, on Councilmember Duncan's motion, Councilmember Urdy's second, waived the requirement for three readings and finally passed the following ordinances in one consent motion: (6-0 Vote, Mayor Pro Tem Trevino out of the room)

CAPITAL IMPROVEMENTS PROGRAM

Approved receiving and accepting work of paving Friendswood Drive and Vernon Avenue consisting of approximately 2½ blocks. CAPITAL IMPROVEMENTS PROGRAM No. 75/62-01.

Parking for Mexican Consulate

Authorized three parking spaces for Mexican Consulate Officials.

Zoning Ordinance Amendments

Approved amending the following Zoning Ordinances to correct errors relating to the legal description and use designation:

- a. Ordinance No. 820826-G - Case No. C14-82-092
- b. Ordinance No. 830303-G - Case No. C14r-82-134

Service Amendment

Approved a Service Amendment to include approximately 588 acres of residential and commercial development containing about 1622 L.U.E.'s.

Councilmember Duncan stated for the record: "That it be approved in accordance with the Planning Commission approval which is to approve amendment service area in compliance with Barton Creek Ordinance. Applicant is to pay full recovery fee for those properties currently located outside service area."

Item Pulled

The following item was pulled from the agenda because it had already been taken care of: Consider exemption to Capital Recovery Fee Ordinance for property located at 3701 Clawson Road - C14-81-208 Hidden Valley Condominiums.

October Council Meeting Cancelled

Approved cancelling the October 6, 1983 regularly scheduled Council meeting.

Moratorium Amendment

Passed through SECOND AND THIRD READINGS of an ordinance amending the moratorium on the purchase of water and wastewater taps in the South Austin Infill Study Area to exempt projects for which a special permit was finally approved on the date the moratorium ordinance went into effect.

Zoning Ordinance

Amended Chapter 13-2 of the Austin City Code (Zoning Ordinance) to cover the following changes:

ZONING ORDINANCE AMENDMENT - (Continued)

- | | | | |
|----|--|---|--|
| a. | FIRST CITY NATIONAL
BANK, TRUSTEE
By Phil Mockford
C14-83-043 | 1900-1902 West 35th
Street, also bounded
by Oakmont Boulevard | From "A" 1st H&A
to "O-1" 1st H&A |
| b. | JOE SMITH & FRED
MARTIN
By Virgil Waggoner
C14-83-001 | 6405-6409 Manchaca
Road | From Interim "A" 1st
H&A to "O-1" 1st H&A |
| c. | JOHN FELTER
By Leo Danze
C14-83-060 | 5400-6404 Decker Lane | From Interim "AA" 1st
H&A to "MH" 1st H&A |
| d. | WALTER VACKAR
ASSOCIATES, INC.
By Kinney Stone, Inc
C14r-82-201 | 9430 Research Blvd. | From "O-1" 1st H&A
to "LR" 1st H&A |

CONSENT RESOLUTIONS

The Council, on Councilmember Urdy's motion, Councilmember Shipman's second, adopted the following resolutions in one consent motion: (6-0 Vote, Mayor Pro Tem Trevino was out of the room.)

Release of Easements

Authorized release of the following easements:

- a. An Electric Easement recorded in Volume 423, Page 79, of the Williamson County Deed Records and located at Old Jollyville Road at Shady Oaks Drive. (Requested by the Electric Department, City of Austin)
- b. The 5' Public Utility Easement on Lot 3-A, Resubdivision of Lot A, Noack Pettway Addition, North Lamar at McPhaul Street. (Requested by Billy F. Priest, Surveyors)

License Agreement

Approved entering into a License Agreement to allow the encroachment of planters into the public right-of-way adjoining Lot 12, Block 134, Original City of Austin, 1111 Guadalupe Street. (Requested by Ms. Mary B. Auler)

Contracts Approved

Approved the following contracts:

- | | |
|---|--|
| a. MCGRAW-EDISON
2821 E. Randol Mill Road
Arlington, Texas | - CAPITAL IMPROVEMENTS PROGRAM -
Bushings Transformers, Electric
Utility Department
Items 1 & 2 - \$7,201.00
C.I.P. Nos. 82/16-01 & 83/16-01 |
| b. THE GREEN FAN COMPANY
175 Fishkill Avenue
Beacon, New York | - Drive Clutch Assembly, Electric
Utility Department
Item 1 - \$6,125.00 |

Auction

Approved disposal of surplus vehicles and vehicular communications equipment by auction method on July 23, 1983.

Water and Wastewater Approach Main Contracts

Approved the following water and wastewater approach main contracts:

- | | |
|---------------------------|--|
| a. MIGUEL GUERRERO | - Wastewater Approach Main to
serve The L.W.S. Addition
No. 3 and approve participation
in the WatersMark Approach Main
Contract. No City cost
participation. |
| b. JAY C. TAPP | - Water Approach Main to serve
Lakeview. 136 acres and
authorize participation in the
Spicewood Springs Discharge
Improvements. No City cost
participation. |
| c. THE AUSTIN CORPORATION | - Water Approach Main to serve
Lakeview, 42.481 acres and
participation in the Spicewood
Springs Discharge Improvements.
No City cost participation. |

CONTRACTS - (Continued)

- d. THE AUSTIN CORPORATION
 - Water Approach Main to serve Shinoak Valley Section III, and authorize participation in the Spicewood Springs Discharge Improvements. No City cost participation.
- e. THE MYERS GROUP
 - Wastewater Approach Main to serve Judson Commercial Tract and authorize participation in the WatersMark Approach Main Contract. No City cost participation.
- f. CANYON CONSTRUCTION COMPANY
 - Wastewater Approach Main to serve The T.H.S.C.A. Addition and approve participation in the WatersMark Approach Main Contract. No City cost participation.

Lease Agreement

Approved a Lease Agreement with the Dick Matz Agency for the leasing of a building in the Anderson Mill Medical Center for the operation of an Ambulatory Care Center.

Federal Jobs Bill Funds

Approved a contract with the Texas Department of Community Affairs (TDCA) for the administration of \$78,654 in Federal Jobs Bill funds.

United Cerebral Palsy Contracts

Authorized the Assignment of Certain Contracts with United Cerebral Palsy Association of Texas, Inc. to United Cerebral Palsy Association of Capital Area, Inc.

Grant Application

Authorized submission of a grant application to the Texas Department of Health in the amount of \$5,000 to conduct a study of behavioral risk factors in the Austin-Travis County Area.

Release of ETJ

Approved releasing 6.16 acres of ETJ to City of Rollingwood.

Approved releasing a portion of ETJ (Pflugerville High School Tract) to City of Pflugerville.

Public Hearings Set

Set public hearings on the following:

- a. To consider an Industrial Development Bond financed project proposed by Perry Brooks, Joint Venture: August 10, 1983 at 5:00 p.m.
- b. To consider an Industrial Development Bond Financed Commercial Project proposed by Perry Brooks, Joint Venture: August 10, 1983 at 5:00 p.m.
- c. To amend Chapter 13-2 (Zoning Ordinance) on various housekeeping amendments: July 21 at 3:00 p.m.

LATER IN THE DAY: a motion was made to reconsider and the following motion was made for date and time of hearing:

Motion

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Urdy's second, set the public hearing on Zoning Ordinance on various housekeeping amendments for August 11, 1983 at 2:00 p.m.

- d. Appeals from Mr. Edwin Golden and Ms. Catherine E. VonAch of the Building Standards Commission's decision to demolish structures at 4000 South Congress Avenue and 4900 South Congress Avenue: July 21, 1983 at 3:45 p.m.
- e. Proposed Zoning Ordinance: July 21, 1983 at 5:30 p.m.
- f. To consider the renovation of a 99 unit Multi-Family Housing Bond finance project proposed by Interregional Joint Venture Apartments: August 10, 1983 at 5:15 p.m.
- g. To consider the dis-annexation and re-annexation for limited purpose a parcel of land along Highway 183 and in the Williamson County MUD #1: August 11 at 4:00 p.m.
- h. A 288 unit Multi-Housing Bond finance project proposed by Conel Investments, Inc. to be constructed at 1800 East Stassney Lane: August 10, 1983 at 5:15 p.m.

TCDA Jobs Bill

Authorized the City of Austin to enter into contracts utilizing a portion of the Texas Department of Community Affairs (TDCA) Jobs Bill funds with the following agencies:

JOBS BILL - (Continued)

Salvation Army	\$22,360
Caritas	\$22,360
Travis County	\$22,360

CHARGES FOR CHARTER REVISION COMMISSION

Councilmember Rose introduced an item to Council to consider a resolution listing specific charges for the Charter Revision Commission. The resolution, which contains 15 specific charges is on file in the City Clerk's office. After discussion of the resolution the following motion was made:

Motion

The Council, on Councilmember Rose's motion, Councilmember Urdy's second, adopted a resolution listing specific charges for the Charter Revision Commission. (6-0 Vote, Mayor Pro Tem Trevino was out of the room.)

Council directed the Charter Revision Commission to report back to Council on November 1 to present their report on the charges. Council agreed the Charter Revision Election could probably be held on January 21, 1983.

BUILDING CODE TASK FORCE

Councilmember Duncan introduced to Council an item on establishing a task force on Building Codes. Council agreed to create the task force on July 21 with appointments to be made on August 25, 1983.

PUBLIC HEARING - SOUTH CENTRAL AUSTIN GROWTH CORRIDOR
MUD #1

Mayor Mullen opened the public hearing set for 2:00 p.m. on a request by N.P.C. to create 329 acres South Central Austin Growth Corridor MUD #1.

Ed Wendler, representing NPC discussed the proposed MUD and said it is in Growth Management Area III.

Guymon Phillips, Espey Huston representative for NPC, showed maps of improvements proposed with a graph explaining.

Matt Schwanz, Richardson Verdoorn Partnership, Inc., showed plans of the proposed development.

Bill Bulloch, representing NPC, spoke in favor of the MUD and said they feel this is the best approach.

Mary Arnold said the City should examine the surcharge..

Ellen Arnold spoke against the MUD.

MUD - (Continued)

Smoot Carl-Mitchell, president Austin Neighborhood Council, spoke against the MUD. So did Bert Cromack, president, Save Barton Creek Neighborhood Association.

Seretha Henry said she is neither for nor against MUD's but discussed curb cuts and development.

Councilmember Shipman said she would like an Urban Transportation study of the land use plan by next week.

Motion

The Council, on Councilmember Duncan's motion, Councilmember Rose's second, voted to continue the public hearing to July 21, 1983 at 7:00 p.m.

HYDE PARK MORATORIUM

Council had before them an ordinance to consider exemptions to the Hyde Park Moratorium Relocation and Demolition Ordinance to exempt property at 4409, 4411, 4415, 4100 and 4102 Duval.

Mayor Mullen pointed out that the property at 4409, 4411 and 4415 are outside of the area included in the moratorium so the owner can proceed as he pleases.

Stanley D. Biderman, 4100 and 4102 Duval, told Council his property is not in the original Hyde Park area and it is not historical. He said he paid \$3,000 to the City for taps on a multi-family development and filed prior to the moratorium.

Lonnie Davis, Director, Building Inspection, said Mr. Biderman received no permit but the Building Standards Commission said he could have one. Mr. Biderman said he has advertised the property to sell as multi-family.

Celeste Cromack spoke in opposition. Burt Cromack said he would like some compatibility standard written for the area.

Mayor Mullen announced Council should enter into an executive session.

Executive Session

Mayor Mullen announced Council would enter into a closed or executive session authorized by Section 2, paragraph f of Article 6252-17, Texas Revised Civil Statutes annotated; and after such closed or executive session, any final action, decision or vote with regard to any matter considered in the closed or executive session will be made in open session, should such action, decision or vote be necessary.

Recess

Council recessed its meeting at 3:15 p.m. and resumed its recessed meeting at 3:35 p.m.

Council resumed the hearing and Mr. Biderman appeared to present his summation.

HYDE PARK - (Continued)

Mr. Biderman said he has followed and relied upon the City's regulations and filed prior to the moratorium.

Motion

The Council, on Councilmember Shipman's motion, Councilmember Duncan's second, voted to deny the request for an exemption to the Hyde Park Moratorium Relocation & Demolition Ordinance for 4100 and 4102 Duval. (6-1 Vote, Councilmember Spaeth voted No.)

Motion

The Council, on Councilmember Shipman's motion, Councilmember Duncan's second, voted to uphold the Hyde Park Relocation and Demolition Ordinance. (7-0 Vote)

AMENDMENT TO ORDINANCE DENIED

Council had before them an ordinance to consider amending the South Austin Infill Study Area Moratorium Ordinance to exempt the 25 acre tract fronting on South Congress Avenue. There was a request to hear this at 7:00 p.m. so Council delayed it until then.

LATER IN THE DAY: Catherine Von Ach appeared before Council to show slides the area. She said there is a contract to sell the land to local businessmen and they will donate a certain portion to the City for park land. Council deliberated and stated it would be desirable to receive the park land but they, stated Councilmember Duncan stated, cannot set a precedent.

Motion

The Council, on Councilmember Duncan's motion, Councilmember Shipman's second, voted to DENY passing an ordinance amending the South Austin Infill Study Area Moratorium Ordinance to exempt the 25 acre tract fronting on South Congress Avenue. (6-0 Vote, Mayor Mullen was out of the room.)

PUBLIC HEARING - INDUSTRIAL DEVELOPMENT FINANCED PROJECT

Mayor Mullen opened the public hearing set for 3:30 p.m. on an Industrial Development Financed Project proposed by Raye Carrington, LTD located at

- a. 4804 Loyola
- b. 5602 Clay
- c. 111 Ramble Lane

David Earl Holt, Director of the Library, told Council that the Carrington site is not one which will be recommended for a library. This had been a concern of the neighborhood.

Joan Bartz, Zoning and Land Use Chairman of University Hills, said they are

HEARING - (Continued)

a good, integrated, middle class community and feel putting an eligible blighted area stigma on them is an insult. Council later explained to her that the terminology was not indicative of the type of area.

A woman who did not identify herself said the area will be an office/retail center.

Neal Graham, representing Carrington, discussed the project and asked for approval.

Motion

The Council, on Councilmember Spaeth's motion, Councilmember Duncan's second, closed the public hearing, and adopted a resolution approving an Industrial Development Bond Financed Project for Raye Carrington, LTD for the purpose of the Federal Tax Law: (7-0 Vote)

- a. 4804 Loyola - 22 office retail facilities
- b. 5602 Clay Avenue - 5 office retail facilities
- c. 111 Ramble Lane - 20 office retail facilities

PUBLIC HEARING - SWIMMING POOLS

Mayor Mullen opened the public hearing set for 3:45 p.m. on revising Chapter 13-10 of the Austin City Code (Swimming Pools) to update requirements for construction and operation and to facilitate enforcement.

Dr. Randall, Director of the Health Department, said the amendment would require all pools built since 1976 to be fenced. He went over the other differences amending the ordinance.

Loren Hutchens, Villa Capri and head of the Hotel-Motel Association, commended the changes in the ordinance. He said if they enclose their pool they must be allowed to serve food to their guests at pool side and wants to have adequate time to construct the fence.

Rich Ellmer, owner/operator of several apartment complexes, went over several of the items which he thinks are questionable.

Leon Whitney expressed concern about the ordinance.

Ted Henderson, Austin Apartment Association, said there are some amendments which concern him and would like to work out.

Ron Phelps, who manages some properties and said a 4' fence will not protect anyone. He feels the amendments to the ordinance are poorly written and not enforceable.

HEARING - (Continued)

Motion

The Council, on Councilmember Rose's motion, Mayor Mullen's second, closed the public hearing and ordinance will be brought back in approximately 45 days. (5-0 Vote, Mayor Pro Tem Trevino and Councilmember Duncan were out of the room.)

Councilmember Spaeth stated for the record that he approves of the concept of the ordinance but as it is proposed it is unacceptable and unenforceable.

Councilmember Shipman said the ordinance should be more forceful and include residences.

PUBLIC HEARING - CLOSING OF PORTION OF HEMPHILL PARK STREET

Mayor Mullen opened the public hearing set for 4:00 p.m. on the permanent closure of a portion of Hemphill Park Street, 2900 block; and passage of ordinance. (Requested by the Urban Transportation Department) C10V-81-003)

Mr. Ridings, Director of Public Works, explained the closing.

Bertha Mae Burnett said closing of Hemphill will be a headache because it is used a lot. James Telford, 3105 Whitis does not feel the street should be closed because it is necessary to the University area. Martha Ann Zivley said she has a small business at 27th and Guadalupe and closing the street will cause many problems.

Mr. Ridings said the street closure is approved by Fire Department and EMS and they will still have access to all the properties.

A man who did not identify himself said he is neither for nor against.

Jerry Buttrey, who lives in the neighborhood, says he favors the closing of the street.

Motion

The Council, on Councilmember Shipman's motion, Mayor Pro Tem Trevino's second, closed the public hearing, waived the requirement for three readings and finally passed an ordinance closing a portion of Hemphill Park Street, 2900 Block, C10V-81-003. (6-1 Vote, Councilmember Spaeth voted No.)

ZONING DENIED

The Council, on Councilmember Shipman's motion, Councilmember Urdy's second, voted to DENY the following zoning change request: (7-0 Vote)

C14 -83 RICHARD SIEVERS
075 For Robert Sievers
By Leslie Johnson

1604 E. 11th Street

From "B-H" 2nd H&A
To "O-H" 2nd H&A

RECOMMENDED subject to restrictive covenant to tie zoning to proposed use; zoning will rollback in the event the use ceases.

DENIED

CABLEVISION

The Council, on Councilmember Spaeth's motion, Councilmember Urdy's second, adopted a resolution approving a contract with Rice Associates to provide an analysis of Austin CableVision's request for a rate increase. (7-0 Vote)

ZONING HEARINGS

Mayor Mullen announced Council would hear the following zoning cases scheduled for 4:00 p.m. Council heard and took action as follows:

Zoning Granted

C14-83	MT. BONNELL SHORES	4114-4400 Mt. Bonnell	A 22-unit residential
008	SECTION ONE, LOTS	Road	P.U. D.
	1-22, P.U.D.		EXISTING ZONING: Interim
	By LRB Joint		"LA" & "A" 1st H&A
	Venture, H. H.		CLOSE PUBLIC HEARING, GRANT AS RECOMMENDED
	Wiener, and Mt.		
	Bonnell Shores		
	Venture		

PASSED ORDINANCE ON EMERGENCY BASIS

(The Council, on Councilmember Shipman's motion, Councilmember Duncan's second, closed the public hearing and granted as recommended. Ordinance passed on emergency basis. 7-0 Vote)

C14 -83	JOHN B. HOWELL	1107 W. 45th Street	From "A" 1st H&A
069	By Elvis G.	4421 Bellvue Avenue	To "O-1" 1st H&A
	Schulze		RECOMMENDED (as amended)
			subject to restrictive
			covenant, access to
			West 45th only, 5'
			of right-of-way on
			Bellview, restricted
			to law office use,
			rollback to "A" once
			use discontinues.

CLOSE PUBLIC HEARING, GRANT AS RECOMMENDED

(On Councilmember Rose's motion, Mayor Pro Tem Trevino's second, 6-1 Vote, Councilmember Shipman voted No.)

July 14, 1983

No Action Taken - Case to be
Brought Back

The Council heard the following zoning case. Motion made had a 3-3 Vote, therefore, no action was taken.

C14-83 C.B. FRANCIS
092 By Jean Bringol

10609 & 10821
Jollyville Road

From Interim "AA" 1st H&A
To "BB" 1st H&A
RECOMMENDED subject to
dedication of 70' of
right-of-way to
accommodate the proposed
extension of Braker Lane.

BRING BACK FOR ACTION JULY 21, 1983

Mr. Lillie reviewed by use of slides.

Mr. Bob Bledsoe spoke against further density in the soon to be overcrowded area.

Motion - NO ACTION

Councilmember Shipman made a motion, seconded by Councilmember Duncan to DENY the zoning change. (3-3 Vote, Councilmember Spaeth, Mayor Mullen and Mayor Pro Tem Trevino voted No, Councilmember Urdy was out of the room.)

Zoning Change Granted

C14-83 ROBERT & RICHARD
085 JENKINS
By Barry M.
Campbell

11715 Bell Avenue

From "AA" 1st H&A
To "O" 1st H&A
NOT RECOMMENDED
RECOMMENDED "O" 1st with
25' buffer of "A" on northernmost
property line.

CLOSE PUBLIC HEARING GRANTED "BB" 1st H&A WITH 25' BUFFER ON
NORTHERNMOST PROPERTY LINE

Jerry Harris, representing the applicant, said a 70 unit condominium is planned.

Bob Bledsoe, 11607 Bell Avenue, asked Council to leave the area zoned "AA". Mr. Harris said they are using less density than allowed. Councilmember Shipman asked if "BB" would be acceptable and Mr. Harris said yes.

(On Councilmember Shipman's motion, Mayor Mullen's second, 7-0 Vote.)

PUBLIC HEARING - SPECIAL PERMIT C14p-83-049

Mayor Mullen opened the public hearing on an appeal from Jerry Harris, representing Richard Jenkins, of the Planning Commission's decision to deny a Special Permit for 11643 Jollyville Road, Case No. C14p-83-049.

Council heard this at the same time as the request for zoning change at 11715 Bell Avenue.

Motion

The Council, on Councilmember Shipman's motion, Mayor Pro Tem Trevino's second, closed the public hearing and granted the Special Permit with a rollback of zoning to "BB" before Certificate of Occupancy is issued. (7-0 Vote)

PUBLIC HEARING - SPECIAL PERMIT C14p-83-053

Mayor Mullen opened the public hearing set for 5:00 p.m. on an appeal from Ms. Pauline Gamble of the Planning Commission's decision to grant a Special Permit for J.L. Watson Company, Case No. C14p-83-053.

Mr. Lillie reviewed the case.

Pauline Gamble, president, Southwest Neighborhood Association, spoke to the density and impervious cover and said that both are too much.

Larry Langley, representing the applicant, discussed the case and asked Council's approval of the Special Permit.

James Pinedo, United South Austin, said 30 units are too high and said 17-23 units would be enough. He discussed the traffic, the ingress and egress and asked for a thorough transportation study.

Mr. Langley told Council the density is dictated by the cost of property and the quality of the project. Councilmember Shipman said the neighborhood's concern with traffic is legitimate. Ms. Pat Gregory, Urban Transportation, told Council a traffic study is underway. Council discussed the traffic situation and the number of apartments to be allowed.

Motion

The Council, on Councilmember Shipman's motion, Councilmember Spaeth's second, upheld the Planning Commission and granted a Special Permit for J.L. Watson Company, Case No. C14p-83-053, (7-0 Vote)

EXECUTIVE SESSION

Mayor Mullen announced Council would convene in a closed or executive session pursuant to Article 6252-17, VTCS, Section 2, paragraph g to discuss personnel matters, and after such closed or executive session, any action to be taken will be done so in open meeting.

RECESS

Council recessed for the executive session at 6:15 p.m. and resumed its recessed meeting at 7:00 p.m.

ELECTRICAL BOARD OF APPEALS REPORT

Mr. Lonnie Davis reported on Electrical Board of Appeals recommendation regarding electrical service connection fees. He said that on April 27, 1983 Mr. Jim Monaghan appeared before the Electrical Board to discuss the procedure for the collection of electric service fees and complained that although electrical contractors have been assured at public hearings that the fee would be collected from homeowners or builders, fees were in fact being collected in some cases by the Electric Department from electrical contractors requesting service equipment. Mr. Monaghan and other electrical contractors object to be part of the "collection process". After discussion the Electrical Board voted unanimously to support Mr. Monaghan's position that the service connection fee should not be collected from electrical contractors. Mr. Davis said there have been two alternatives suggested for the solving of this problem. One is to have the service connection fee collected at the time the electrical permit is obtained and the other solution is to have the fee collected by the Electric Department at the time service is requested by the homeowner or tenant.

Councilmembers Duncan and Rose, Mr. Davis and Mr. Monaghan will get together and bring back ideas to Council concerning the best procedure for collecting fees.

DOWNTOWN REVITALIZATION TASK FORCE

Mr. Alan Taniguchi, Downtown Revitalization Task Force, appeared before Council concerning recommendations for rail relocation and Third Street. REPORT IS ON FILE IN CITY CLERK'S OFFICE.

ENERGY ADVISORY COMMISSION

Daryl James, chairman, Energy Advisory Commission, discussed energy efficiency standards for the new Municipal Utility Districts. He stated, "We are looking at these standards not only in terms of new MUD's but in connection to any new residential development in the Electric Service Area. The Energy Management Department is developing a comprehensive rating system. It is in a study stage right now of about six months. We expect it to be finished in November. This is a system by which the builder and buyer can identify a home in terms of its energy efficiency features and components. There are several types of energy rating systems...." Mr. James described the systems. One is prescriptive, which is a code system. There is the performance system where the efficiency of the home is determined by performance and is a computer system. It does not take into consideration the lifestyle of the user's habits. The third type of system is the point system which is a combination of the two and assigns points for different types of energy efficiency features. "What we have developed in a three week period is a simplified energy rating system. This is a system that looks at a limited number of design techniques and certain bonus points. It takes a minimum building code house in the Austin area and considers insulation, air infiltration, efficiency of air conditioning equipment, amount and placement of window glass and the

COMMISSION- (Continued)

kind and efficiency of the hot water system, roof color and whether or not there is a heat pump for the heating system. The Commission wants to endorse this kind of a rating system. We have not seen the whole report at this point and are not prepared to say we wholeheartedly endorse every detail but this kind of system is the kind of analysis of a home that will help both the builder in marketing the home and the buyer in deciding what in fact is an energy efficient home. We feel that this kind of a system can work while we are waiting for the more comprehensive rating system."

Councilmember Duncan said, "I would just like to ask that you send a copy of your report as soon as it's ready to all Councilmembers and to the MUD applicants currently before the City and that we should take this into consideration in the discussions of negotiations on the MUD consent."

PUBLIC HEARING ON APPEAL -C14p-83-052

Mayor Pro Tem Trevino opened the public hearing set for 4:00 p.m. on an appeal from Richard McLaughlin and Anna Parker of the Planning Commission's decision on Case No. C14p-83-052.

Mr. Lillie said the plan is to build 160 units.

Larry Langley, representing Watson Company, told Council the restrictive covenant dictates the first building on the land should be one story with with a 25' set back. He said they want to amend this to have a 100' set back and a two story apartment unit. The line of sight will not interfere with homes in the area.

Richard McLaughlin, president, North Creek Community Association, said if this is approved the neighborhood will have no protection.

Anna Parker spoke against the Planning Commission's decision. Dianna Foley and Den Fabrey also spoke in opposition.

Mr. McLaughlin asked if the restrictive covenant is amended if the whole covenant would be lifted for the site plan before them. Mr. Jim Nias, Assistant City Attorney, said only six acres would be modified. This amendment would not do away with the restrictive covenant but would be substituting.

The Council agreed to continue the public hearing on July 21 at 5:15 p.m. when two other cases in the same area will be discussed.

The following zoning case scheduled for 4:00 p.m. will also be heard on July 21, 1983 at 5:15 p.m.:

C14-80 J.L. WATSON
239 COMPANY, INC.
By Bob Harbin

9501 North Lamar
also bounded by
Longspur

RECOMMENDED amendment
to Restrictive Covenant.
TO BE HEARD 7/21/83 @ 5:15 p.m.

ZONING HEARINGS CONTINUED

Mayor Pro Tem Trevino continued with Zoning Hearings scheduled for 4:00 p.m. At this point, Mayor Mullen had left the Council Chamber. Decisions on the hearing follow each case.

C13r-83 SYLVION KIVLIN
044

5917-6599 South
IH-35

From Interim "A" 1st H&A
To "GR" 1st H&A
RECOMMENDED

CLOSE PUBLIC HEARING AND GRANT AS RECOMMENDED

Mr. Lillie reviewed the application by use of slides.

Forest Troutman, representing the applicant, said "GR" is the proper zoning for the property.

Jack Heffington, president, Nuckols Crossing Neighborhood Association, told Council Williamson Creek runs right behind his property and their main concern is traffic. Only one lane can be used to get to IH 35. He said he would like to see the opening of the complex tied to the opening of Stassney Lane. Eddie Mann, also a member of the Nuckols Crossing Neighborhood Association, said traffic will be a problem.

James Pinedo, president, United South Austin, expressed concern about the traffic.

Councilmember Shipman asked, "I would like to find out from Legal how you tie up a piece of property so there is no way someone could come in later and say we have a right to service it when we know full well that plant will not be ready until 1985-87." Mr. Nias, City Attorney, said the best way is to make it clear right here on the record and have the representative of the applicant acknowledge the understanding. Councilmember Shipman asked if it can be included in the zoning ordinance. Mr. Nias said if the property was sold, the successor would have no more rights than the present owner has. Councilmember Duncan said, "We need the applicant to state he has no vested right to water by virtue of the zoning change. That's as far as we can go because the determination of whether they can hook up or not is in the hands of the Water and Wastewater Department and that will be done at a later date when the request is made regardless.....We want the zoning to be in such a way that if the property is sold to someone else the new owner cannot come in and say they have vested rights by virtue of the zoning case."

Forest Troutman stated for the record, "We do so acknowledge. We recognize this was brought out at the Planning Commission. They said "GR" is the proper zoning for the property but it is recognized nothing can be done with the property until the capacity is there."

Mr. Lillie stated, "It is really important that we recognize that there are going to be a great many zoning cases now in South Austin that will very likely have that same condition put on it, that same kind of an agreement that will have to be stated. I think it is incumbent upon us to notify applicants from now on that they consider that as a part of their application. That, or that zoning cases are routinely denied because of inadequate utilities until the system is in place."

Mayor Pro Tem Trevino said this should be done as a matter of routine and Mr. Meiszer said a standard form will be developed.
(On Councilmember Duncan's motion, Councilmember Shipman's second, 6-0 Vote, Mayor Mullen absent.)

Zoning Case to be Continued

Council heard the following zoning case and voted to continue the public hearing until September 8, 1983 at 5:30 p.m.

C14-83	M.D. THOMSON &	1000-1010 Banister	From "A" 1st H&A
073	WILLIAM M. BROOKS	Lane & 3708-3818	To "O" 1st H&A
	By Miguel "Mike"	Garden Villa Lane	RECOMMENDED
	Guerrero		<u>CONTINUE PUBLIC HEARING</u>
			<u>SEPTEMBER 8, 1983 @ 5:30 P.M.</u>

Mike Guerrero, representing the applicant, said they cannot develop a site plan until the zoning is changed.

Kay Northcott, Dawson Area Neighborhood Association, showed slides and said the neighborhood is concerned with flooding. Lee Harrod showed slides of the traffic,

After more discussion Council voted to continue the public hearing.

(On Councilmember Rose's motion, Councilmember Urdy's second, 5-1 Vote, Councilmember Shipman voted No, Mayor Mullen absent.)

Zoning Case Withdrawn

C14-83	WILLIAM R.	1400 Lorrain Avenue	From "B" 1st H&A
087	DICKINSON		To "O" 1st H&A
	By William D. Brown		NOT RECOMMENDED
			<u>WITHDRAWN</u>

Applicant requested withdrawal.

(On Councilmember Shipman's motion, Councilmember Duncan's second, 6-0 Vote, Mayor Mullen was out of the room.)

C14-83	JAY JOHNSTON	3404 Glenview	From "A" 1st H&A
033	By Wm. Terry Bray	3405 Jefferson	To "O" 1st H&A
			NOT RECOMMENDED
			<u>PUBLIC HEARING TO BE</u>
			<u>CONTINUED AUGUST 11, 1983</u>
			<u>@ 4:00 P.M.</u>

ADJOURNMENT

Council adjourned its meeting at 9:00 p.m.